

FORTY-THIRD DAY

(Monday, March 27, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tempore Moore.

The roll was called, and the following Senators were present:

Aikin	Moffett
Beck	Moore
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield

Absent—Excused

Nelson

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 23, 1939, was dispensed with and the Journal was approved.

Leave of Absence Granted

Senator Nelson was granted leave of absence for today on account of important business, on motion of Senator Graves.

Senate Bills on First Reading

Senator Winfield moved that the Legislative rule adopted pursuant to Section 5 of Article III of the Constitution, relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature, be suspended, to permit the introduction at this time of a general bill, the provisions of which were explained by Senator Weinert.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moffett
Beck	Moore
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Martin	Weinert
Metcalfe	Winfield

Absent

Lemens Spears

Absent—Excused

Nelson

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Winfield:

S. B. No. 407, A bill to be entitled "An Act to confirm and validate all re-sales and awards of public school lands in counties with a population of not less than 6,400 nor more than 6,500, according to the last preceding Federal Census, to the spouse of the forfeiting owner, where such public school lands were forfeited prior to January 1, 1938, and came under the terms of either Acts 1925, Thirty-ninth Legislature, Regular Session, Chapter 94, page 267, or Acts 1926, Thirty-ninth Legislature, First Called Session, Chapter 25, page 43, or any amendments to either of said Acts, and either the forfeiting owner or the spouse of the forfeiting owner filed, prior to January 1, 1938, his request for the re-valuation of such lands and said request was granted and said land re-valuated by the Commissioner of the General Land Office, and such lands re-sold or awarded by the Commissioner of the General Land Office, prior to January 1, 1938, to the spouse of such forfeiting owner, and providing that such re-sale or award to such spouse of such forfeiting owner shall be deemed as valid as if such sale or award had been made in the name of the forfeiting owner himself; and declaring an emergency."

Referred to Committee on Public Lands and Land Office.

The following local bill was introduced, read first time, and referred to the committee indicated:

By Senator Roberts:

S. B. No. 408, A bill to be entitled "An Act creating and establishing Jackson County Road District Number Eleven in Jackson County, Texas, under Article III, Section 52 of the Constitution for the purpose of the construction, operation, and maintenance of macadamized, graveled, or paved roads or turnpikes, or in aid thereof; describing the territory included therein; making the district a body corporate with authority to sue and be sued; authorizing the district to issue bonds upon two-thirds vote of the qualified electors who own taxable property in said district and who have duly rendered the same for taxation voting at an election; prescribing the method of calling and conducting such election, and the method of issuing said bonds; directing the levy, assessment, and collection of a tax for the payment of principal and interest of said bonds; providing for the custody and disbursement of the funds of the district; providing that in awarding contracts for road construction the Commissioners' Court shall advertise for bids and shall award the contract to the lowest and best bidder; providing that the fact that portions of the district hereby created are also included in other road districts having outstanding bonds shall not affect the district hereby created or its powers hereby granted; and providing that liability of territory included in this district and other road districts which have issued bonds shall not be affected and for the levy, assessment and collection of taxes on said territory for said bonds; and providing that this Act shall not validate said bonds nor be construed as authorizing the creation of indebtedness in excess of the limit established by Article III, Section 52; determining that all of the lands in said district will be benefited by additional road improvements; providing that the provisions of this Act shall prevail in the event of conflict with any other General or Special Law; providing that if any provision hereof is held to be invalid such holding shall not affect the other provisions hereof; and declaring an emergency."

Referred to Committee on Counties and County Boundaries.

Senator Roberts moved that the rule relative to the introduction of general bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing a general appropriation bill.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moffett
Beck	Moore
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield

Absent—Excused

Nelson

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Roberts:

S. B. No. 409, A bill to be entitled "An Act fixing and determining a method of per capita appropriations for educational institutions of higher learning; prescribing certain rules and regulations to be followed in determining said appropriations; requiring audits; making appropriations for the support, maintenance, buildings, and improvements of the several State institutions of higher learning for the two fiscal years, beginning September 1, 1939, and ending August 31, 1941, both dates inclusive; and for certain other educational agencies of the State; prescribing certain restrictions concerning the expenditures of said appropriations; containing a savings clause; and declaring an emergency."

Referred to Committee on Finance.

Senator Stone of Galveston moved that the rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended, to permit the introduction of a general bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moffett
Beck	Moore
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield

Absent—Excused

Nelson

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Stone of Galveston:

S. B. No. 410, A bill to be entitled "An Act amending Subdivision 23 of Article 199, Title 8, Revised Civil Statutes of Texas, and providing for changing and prescribing terms and times of holding Court in the Twenty-third Judicial District of Texas, validating and continuing all process, writs, bonds, recognizances and making them returnable to the terms of Court in the several counties in said District as herein fixed, to validate the summoning of grand and petit jurors under the present law so as to render them available under the present Act, enacting proper provisions relative to any term of Court that may be in session when this Act takes effect."

Referred to Committee on Judicial Districts.

Senator Kelley moved that the rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended, to permit his introducing a general bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Burns
Beck	Collie
Brownlee	Cotten

Graves	Redditt
Hardin	Roberts
Head	Shivers
Hill	Small
Isbell	Spears
Kelley	Stone
Lanning	of Galveston
Lemens	Stone
Martin	of Washington
Metcalf	Sulak
Moffett	Van Zandt
Moore	Weinert
Pace	Winfield

Absent—Excused

Nelson

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Kelley:

S. B. No. 411, A bill to be entitled "An Act defining coloring matter and its composition, manufacture, sale and use in connection with citrus fruit; providing for the analysis of such coloring matter by the Commissioner of Agriculture and for the licensing of the manufacturers thereof; prescribing the form and amount of bond to be given by such manufacturers; prohibiting the use of harmful coloring matter on citrus fruit; prescribing the maturity of fruit to which such coloring matter is applied; authorizing the Commissioner of Agriculture to issue rules and regulations pursuant to such Act; providing for the enforcement thereof by the Chief of Maturity Division and other agents of the Commissioner of Agriculture and fixing compensation of such Chief for so doing; providing for the inspection of citrus treated with coloring matter and assessing the cost of enforcing the Act against such fruit so treated; providing for the branding of fruit treated with coloring matter and containers in which it is shipped and prohibiting the application of unauthorized coloring matter to citrus fruit; declaring citrus which does not comply with the Act to be dangerous to public health and a public nuisance; providing penalties for violation of the Act and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

The following local bills were introduced, read severally first time, and referred to the committees indicated:

By Senator Kelley:

S. B. No. 412, A bill to be entitled "An Act providing for rural school supervisor in counties having a population of not less than two thousand seven hundred fifty (2,750) and not more than three thousand (3,000) inhabitants according to the last preceding Federal Census, in lieu of Teachers' Institutes; prescribing the duties of said supervisor; providing for visits to schools of the county and work in cooperation with teachers; prescribing the salary of said supervisor and how he shall be paid; providing other things incidental to said purpose; and declaring an emergency."

Referred to Committee on Education.

By Senator Kelley:

S. B. No. 413, A bill to be entitled "An Act making it unlawful to take fish or shrimp except with certain prescribed tackle in certain waters of Corpus Christi Bay, Nueces County, Texas; providing a penalty for violation of any provision of the Act; providing for disposition of tackle illegally used, repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Game and Fish.

By Senator Sulak:

S. B. No. 414, A bill to be entitled "An Act prescribing the method for the annexation of unoccupied territory contiguous and adjacent to the city limits of certain incorporated cities or towns, on petition of the owners of all such property; providing for the recording of such petitions, and declaring an emergency."

Referred to Committee on Towns and City Corporations.

Senator Redditt moved that the rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit the introduction of a general bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Collie
Beck	Cotten
Brownlee	Graves
Burns	Hardin

Head
Isbell
Kelley
Lanning
Lemens
Martin
Metcalf
Moffett
Moore
Pace
Redditt

Roberts
Shivers
Small
Stone
of Galveston
Stone
of Washington
Sulak
Van Zandt
Weinert
Winfield

Absent

Hill

Spears

Absent—Excused

Nelson

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Redditt:

S. B. No. 415, A bill to be entitled "An Act to amend Chapter 1, Title 116 of the Revised Civil Statutes of Texas, 1925, by adding thereto a new section to be known and referred to as Article 6673-b providing that the State Highway Commission be authorized and empowered in its discretion to enter into contracts or agreements with the governing bodies of incorporated cities, towns, and villages relative to the location, relocation, construction, reconstruction, maintenance, control, supervision, and regulation of designated State highways within or through the corporate limits of such incorporated cities, towns, and villages, and fixing liabilities of the parties; providing authority to such incorporated cities, towns, and villages to enter into such contracts or agreements with the State Highway Commission; providing that this Act shall be cumulative of other laws; and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

Senate Concurrent Resolution 26

Senator Moffett offered the following resolution:

Whereas, The time is not far distant when the National Democratic Party will put in motion the machinery for the selection of its presidential nominee in the 1940 general election; and

Whereas, Texas was formerly an independent Republic, and merged its destinies with the United States of

America and is the only State in the Union which has this distinction; and

Whereas, The Honorable John Nance Garner, a native Texan, has served long and ably in the National Congress of the United States, as a member from a Texas district, and as the presiding officer of both the House and Senate of said National Congress, a distinction that comes to but very few men; and

Whereas, By repeated tests of legislative and administrative capacity and ability, said John Nance Garner has fully and convincingly demonstrated his statesmanship and grasp of National affairs; and

Whereas, His ability has been recognized in each and every one of the other forty-seven States of the American Union, as well as in his own State; now, therefore, be it

Resolved, by the Senate of Texas, the House concurring, That the said John Nance Garner is hereby endorsed and put forward as a candidate for the nomination of the National Democratic Party for the high office of President of the United States, which we believe he would fill with ability and distinction, and that we call on fellow Democrats in all of the States of the Union to instruct their delegates to the 1940 National Democratic Convention, to vote for the nomination of the said John Nance Garner as the candidate of the National Democratic party for the Presidency of the United States, at the 1940 general election.

MOFFETT,
WINFIELD,
METCALFE,
PACE,
HILL.

The resolution was read; and on motion of Senator Moffett and by unanimous consent, it was considered at this time and was adopted.

Senate Resolution 50

Senator Pace offered the following resolution:

Whereas, This is the 28th birthday of our colleague, the Honorable Doss Hardin, Senator from Prairie Hill, in the Thirteenth Senatorial District of Texas, and

Whereas, On the 24th day of March, 1939, there was held at Waco, Texas, under the supervision of Baylor University, the famous "Convention of Twins," at which convention our col-

league, the Honorable Doss Hardin, and his twin brother, the Honorable Ross Hardin, now a member of the House of Representatives, were in attendance, and

Whereas, The Honorable Doss Hardin made the principal address on the occasion above mentioned at Waco, now, therefore, be it

Resolved by the Senate, That we congratulate our colleague, the Honorable Doss Hardin, on his 28th birthday, and that the speech made on the occasion at Waco, copy of which is hereto attached, be printed in the Journal of this day.

The resolution was read; and on motion of Senator Pace and by unanimous consent, it was considered at this time and was adopted.

Address of Senator Doss Hardin

The following is the text of the address referred to in S. R. No. 50:

Mr. Chairman and Fellow Twins:

I am indeed happy to be here under the shadows of this great institution to meet you and to greet you who by nature have been elected members of this convention. True to her proud traditions, ever doing something worthy for mankind, Baylor University has called this the first convention of twins ever held on Texas soil. No birth certificates are required to be presented and no credentials committee is needed. Delegates here today are taken at their "face-value." Although it is sometimes awkward to be mistaken for your twin, especially when a bill collector comes around, it is never embarrassing. The general public might welcome an invention by which one twin might be instantly recognized from the other. Neither hair, dress, hands nor voice affords the slightest clue and the public is left to guess. Had you ever considered just what might have been the result had Esau and Jacob been twins with the same hands and the same voice?

Before and since the time of Romulus and Remus, twins, with all their deceptions and devices best known to themselves, have never resented being called "two-faced."

To President Pat M. Neff and to all those who have made this convention possible, we owe a debt of gratitude. To him and to them and to all those who may be our hosts at future similar conventions our warn-

ing now is that "twins will be twins" regardless of whether they be boys or girls. There comes to our minds now a little couplet familiar to our early childhood:

"I have a little shadow that goes in
and out with me;
But what can be the use of him is
more than I can see."

Paraphrasing these two lines and with due apologies to their author, we would say:

"I have a brother-twin who goes in
and out with me,
And what may be the use of him is
daily known to me."

There is a comradeship between twins that makes us closer than a brother; where brothers and sisters go the first mile, twins go the second miles. Under an ancient Roman law the citizen of Judea was required to travel one mile with any Roman soldier he might meet on the road, and carry his pack. On one occasion a Judean met a Roman soldier and walked with him one mile. When the first mile had been traversed, the Roman told him that the law had been fulfilled and that he need not go any further, but the citizen of Judea requested that he be permitted to travel the second mile. In that second mile they were set upon by a lion, and by their combined efforts, they drove the lion away. When the end of the second mile had been reached, the Judean observed that by travelling with him the second mile he had saved the life of the Roman. The soldier replied, "Nay, my brother, you have saved two lives instead of one. I have in my pocket a pardon from Caesar for a man who was to be put to death at sunrise. By saving my life, you have likewise saved his." We twins travel the second mile with each; we are second-mile companions, and in that second mile we find joys that it is given to but few others to know.

My Fellow Twins, I recall no new experiences to you. My life with my twin brother Ross is common to twins the world around. Since childhood's early morn we have had the good fortune never to be long apart. Our grand, good and dearly beloved parents whose names we bear will tell you that where one of us was there you could usually find the other. If one of us was needed in the home or in the field both of us responded together. At school or at play we were

inseparable. While awake or when asleep there we were. There were no twin beds for us at our house. If one had a new pair of overalls, the other did also. If one had a penny, we shared what it would buy. We mingled our tears and divided our joys.

And then when youth had given place to young manhood, we have not even thought to ask why it is that both Ross and Doss think alike on public questions, and why it is that our likes and dislikes, our ideals and ambitions to serve our home, church, state and God are one and the same. We claim no credit for ourselves that such is the case. If these be worthy goals to pursue, at this time we turn with wistful look and point with grateful hand to that humble farm home, 26 miles east of here, where reside the father and mother of Ross and Doss Hardin, at Prairie Hill. And I feel confident that every twin here gathered as well as every thoughtful twin everywhere reverently regards his or her birth-right and gives due praise to a most fortunate start in life and to a noble parentage.

I am reminded here of the story of Damon and Pythias of Syracuse. Pythias was condemned to die by a political tyrant, and wanted to be set free for a few days so that he might look after his business affairs and bid his friends farewell. Damon offered himself in bondage and pledged his life for the return of Pythias. In due time Pythias returned, and the tyrant was so impressed with the brotherhood of the two men that he set them both free and begged to be admitted to their friendship. History does not say that Damon and Pythias were twins, but it does say that they had the spirit of brotherhood of twins.

"There is a destiny that makes us
brothers,

None can live to himself alone;
All that we sent into the lives of
others
Comes back again into our own."

When Ross was elected to the Texas Legislature from our district in Lime-stone County, as a country boy, without a job, I went with him to the Capitol at Austin to help in any way that I could. Then each pay-day he would split his wages with me. One of the happiest days of my life was last July when I heard the good news that the people of this, my home dis-

strict, had elected me their state senator and had commissioned me to join my twin brother in the legislative halls of our great State.

There is an atmosphere about Baylor that reminds me of the brotherhood of twins. It is indeed proper that our first gathering should be in these sacred environs. Baylor, herself, has had her own twin experience. The oldest higher institution in Texas, founded at Old Independence during the days of the Republic, Baylor University was later established at Waco. And now that she is nearing the end of the first journey to the century-mark, we find that she is herself a twin, and still growing, with the other "Baylor twin" located at Dallas. I refer to the great medical institution which bears the name of Baylor in that thriving metropolis.

Buildings, laboratories and books never make a school great. Great schools are the ever lengthening shadows of great individuals. "The brotherhood of Baylor;" "that good old Baylor line," the burning ambition of Baylor students to be of service to the world—these are all due to the nobility of its glorious leadership.

I would be recreant to what I regard as my duty at this juncture not to pause and pay homage to the two "B's", who for many wonderful years served as presidents of Baylor. My reference is to Burleson and Brooks. They were not financiers, but they builded untold wealth for others; they were not jurists, but their students have graced the highest courts in the land; they were not soldiers, but their boys unsheathed the bravest sword in the land; they were not statesmen, but in the strength of their manhood their boys have been and are now foremost in the forums of the country. Tom Connally, the junior United States Senator from Texas, native of this section, was a student in Baylor. Others too numerous to mention who have wrought well for their fellow-men could be mentioned, did time permit.

Words are too feeble to extoll the man who buried in holy baptism the immortal Sam Houston and the heroine of the Alamo. Dr. Rufus C. Burleson had that experience while at Independence. "Which is the greater leader, he who leads embattled hosts to victory and death, or he who leads the chieftain and his army to God?" General Lawrence Sullivan Ross was

also converted under the preaching of Dr. Burleson while in Baylor. Work was his watchword. Returning from Limestone County, he took his bed and on May 14, 1901, "a breath from heaven blew out his light of life." Stretched on his couch, with every fibre and filament of that old body, that had felt the blasts of seventy-eight winters, quivering with pain, he begged the watchers to turn his bed so he could see the towers of Baylor one more time.

Likewise the memory of the late and lamented President Brooks reminds us of the miracles that may be wrought by great and good men even in this day of doubt and distrust. If I had it within my power I would joyfully impart to everyone within the sound of my voice the courage that was his to his last hour. When God endows a man in brain and heart above his fellows, that man becomes a man of destiny. Such a man was Moses, the great jurist and statesman. Such a man was Isaiah, the great prophet. Such a man was David, the great poet and sweet singer of Israel. Such a man was Washington, the soldier and patriot, and such a man was Brooks, the great educator and humanitarian. We still hear him speak to us, as he said with his last breath, "I have shown Baylor students how to live; now I will show them how to die."

Baylor University is fortunate in having a most worthy successor to that noble line of presidents who have preceded him in the person of former Governor and now President Pat M. Neff. In all of his eventful life, none have ever pointed the finger of scorn to the dynamic and eloquent President of Baylor University. During his public service as an official of this State, those who knew him best or at all, declared that Pat Neff would sooner have put his arm in a fire than to take one cent by fraud from the public treasury.

In conclusion, I am reminded that the time, occasion and place are proper for me to observe that the last Confederate soldier to serve in the Texas Senate was a twin. He was the Honorable Senator W. E. Doyle, until his death, of Teague. He was a grand model for all the youth and twins of our beautiful Southland to study and emulate. No twin can fail who will study profoundly and follow strictly the examples of great and good men and women.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, March 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. B. No. 572 by a vote of 132 yeas, 0 noes.

The House has concurred in Senate Amendments to H. B. No. 408 by a vote of 134 yeas, 0 noes.

The House has concurred in Senate Amendments to H. B. No. 473 by a vote of 134 yeas, 0 noes.

The House has concurred in Senate Amendments to H. B. No. 193 by a vote of 131 yeas, 0 noes.

The House has concurred in Senate Amendments to H. B. No. 350 by a vote of 132 yeas, 0 noes.

The House has concurred in Senate Amendments to H. B. No. 800 by a vote of 136 yeas, 0 noes.

The House has concurred in Senate Amendments to H. B. No. 542 by a vote of 124 yeas, 4 noes.

The House has passed the following bill and resolutions:

H. B. No. 426, A bill to be entitled "An Act making appropriations to pay deficiency appropriations granted by the Governor during the fiscal years beginning September 1, 1936 and ending August 31, 1938, and declaring an emergency."

S. C. R. No. 6, Granting permission to Mrs. R. R. Jones to sue the State.

S. C. R. No. 23, Providing for a suitable portrait of Governor James V. Allred to be placed in the rotunda of the State Capitol.

S. C. R. No. 25, Requesting the State Highway Department to lend to the city of Somerville certain highway equipment.

H. C. R. No. 52, Granting N. A. Moore permission to sue the State of Texas.

H. C. R. No. 53, Granting permission to S. W. Knox and his wife, Dora Knox, to bring suit against the State

of Texas, and against the Highway Department of the State of Texas, in any Court of competent jurisdiction in Van Zandt County, Texas.

The House has refused to concur in Senate Amendments to H. B. No. 802, and requests the Senate for the appointment of a Free Conference Committee to adjust the differences between the two Houses. The following are appointed as conferees on the part of the House:

Messrs: Pope, Hankamer, Vale, Celaya and Thornton.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

House Concurrent Resolution 66

The President Pro Tempore laid before the Senate the following concurrent resolution, received from the House today:

H. C. R. No. 66, Authorizing correction of H. B. No. 266.

The resolution was read; and on motion of Senator Redditt and by unanimous consent, it was considered at this time and was adopted.

House Concurrent Resolution 65

The President Pro Tempore laid before the Senate the following resolution, received from the House today:

H. C. R. No. 65, Authorizing correction of H. B. No. 660.

The resolution was read and was referred to the Committee on Counties and County Boundaries.

House Bill on First Reading

The following bill, received from the House today, was laid before the Senate, read first time, and referred to the committee indicated:

H. B. No. 426 to Committee on Finance.

House Concurrent Resolutions Referred

The following resolutions received from the House today, were laid before the Senate, read severally first time, and referred to the committees indicated:

H. C. R. No. 52, to Committee on State Affairs.

H. C. R. No. 53, to Committee on State Affairs.

Report of Standing Committee on Senate Bill 414

Senator Sulak, by unanimous consent, submitted at this time the following report of the Committee on Towns and City Corporations:

Austin, Texas,
March 27, 1939.

Hon. Coke R. Stevenson, President of the Senate:

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 414 by Sulak, A bill to be entitled "An Act prescribing the method for the annexation of unoccupied territory contiguous and adjacent to the city limits of certain incorporated cities or towns, on petition of the owners of all such territory; providing for the recording of such netitions, and declaring an emergency,"

Have had same under consideration and beg leave to report back to the Senate that it do pass and be printed.

COTTEN, Vice-Chairman.

Senate Bill 414 on Second Reading

Senator Sulak moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 414 be placed on its second reading and passage to engrossment and on its third reading and final passage. The motion prevailed by the following vote:

Yeas—28

Aikin	Moffett
Beck	Moore
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield

Absent

Hill Spears

Absent—Excused

Nelson

On motion of Senator Sulak, and by unanimous consent, Senate rule 48 was suspended, and the regular order of business was suspended, to permit consideration of S. B. No. 414 at this time.

The President Pro Tempore laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

Senate Bill 414 on Third Reading

The President Pro Tempore then laid S. B. No. 414 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Moffett
Beck	Moore
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield

Absent

Hill Spears

Absent—Excused

Nelson

Message from the Governor

The following message, received from the Governor today, was laid before the Senate and was read:

To the Members of the Senate of the Forty-sixth Legislature:

In compliance with the request contained in Senate Concurrent Resolution No. 24, I am hereby returning S. B. No. 69 to the Senate for further consideration.

Respectfully submitted,
W. LEE O'DANIEL,
Governor of Texas.

Senate Bill 26 Tabled

Senator Redditt, by unanimous consent, submitted at this time the following motion in writing:

Mr. President: I move that S. B. No. 26 be laid on the table for the reason that all of the provisions of said bill were incorporated in H. B. No. 148 finally passed and signed by the Governor."

The motion prevailed.

Committee Substitute Senate Joint Resolution 12 on Passage to Engrossment

The President Pro Tempore laid before the Senate, as the unfinished business, on its passage to engrossment (the resolution having been read second time on last Tuesday, March 21, 1939):

C. S. S. J. R. No. 12, A Joint Resolution proposing an amendment to Article 3 of the Constitution of the State of Texas by adding thereto a section to be known as Section 51-E, the purpose of which is to provide for the assessment and collection of a Social Security Tax, etc.

With motion by Senator Hill to table the resolution subject to call pending.

Question—Shall the motion to table subject to call prevail?

(Senator Martin in the Chair.)

House Bill 20 on Second Reading

On motion of Senator Sulak, and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 20 at this time.

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 20, A bill to be entitled "An Act to be known as the 'State Soil Conservation Act,' reciting the legislative determination and declaration of policy; describing the consequence of soil erosion and the depletion of the fertility of the soil; reciting appropriate corrective methods; defining certain words and phrases used in this Act; establishing the State Soil Conservation Board; establishing five (5) State Districts from which members of the State Soil Con-

servation Board are to be elected; defining the powers and duties of said members acting through and for said State Soil Conservation Board; providing for the establishing of County Soil Advisory Committees, etc., and declaring an emergency."

The bill was read second time.

(President Pro Tempore in the Chair.)

Senator Sulak offered the following (committee) amendment to the bill:

Amend H. B. No. 20, by striking out all of Section 9 and inserting in lieu thereof the following:

"Sec. 9. Performance of Work under the Regulations by the Supervisors. The Supervisors shall have authority to go upon any lands within the district to determine whether land-use regulations adopted under the provisions of Section 8 of this Act are being observed.

"Where the Supervisors of any district shall find that any of the provisions of land-use regulations prescribed in an ordinance adopted in accordance with the provisions of Section 8, hereof are not being observed on particular lands, and that such non-observance tends to increase erosion on such lands and is interfering with the prevention or control of erosion on other lands within the district, the supervisors may present to any Court of competent jurisdiction a petition, duly verified, setting forth the adoption of the ordinance prescribing land-use regulations, the failure of the defendant to observe such regulations, and to perform particular work, operations, or avoidances as required thereby, and that such non-observance tends to increase erosion on such lands and in interfering with the prevention or control of erosion on other lands within the district, and praying the court to require the defendant to perform the work, operations, or avoidances within a reasonable time and to order that if the defendant shall fail so to perform the supervisors may go on the land, perform the work or other operations or otherwise bring the condition of such lands into conformity with the requirements of such regulations, and recover the costs and expenses thereof, with interest, from the owner of such land. Upon the presentation of such petition, the Court shall cause process to be issued

against the defendant, and shall hear the case. If it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take evidence, or appoint a referee to take such evidence as it may direct and report the same to the Court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the Court shall be made. The Court may dismiss the petition; or it may require the defendant to perform the work, operations, or avoidances, and may provide that upon the failure of the defendant to initiate such performance within the time specified in the order of the Court, and to prosecute the same to completion with reasonable diligence, the supervisors may enter upon the lands involved and perform the work or operation or otherwise bring the condition of such lands into conformity with the requirements of the regulations and recover the costs and expenses thereof, from the owner of such lands, provided further that in no case shall the total charge for the work done by said supervisors or any one under them, and to be charged against said lands, ever exceed for any calendar year, ten (10%) of the rendition of said lands.

"The Court shall retain jurisdiction of the case until after the work has been completed. Upon completion of such work pursuant to such order of the Court the supervisors may file a petition with the Court, a copy of which shall be served upon the defendant in the case, stating the costs and expenses sustained by them in the performance of the work and praying judgment therefor with interest. The Court shall have jurisdiction to enter judgment for the amount of such costs and expenses, together with the costs of suit, including reasonable attorney's fee to be fixed by the Court. Such judgments shall be collected in the same manner as that provided for the collection of assessments in Wind Erosion Conservation Districts created by authority of House Bill No. 978, Acts of the Regular Session of the Forty-fourth Legislature of Texas."

The (committee) amendment was adopted.

Record of Vote

Senator Moore asked to be recorded as voting "nay" on the amendment.

Senator Sulak offered the following amendment to the bill:

Amend H. B. No. 20 by striking out the last sentence in sub-section "F" in Section 4, which reads as follows: "The Board shall be located at the Capitol of the State."

The amendment was adopted.

Senator Roberts offered the following amendment to the bill:

Amend H. B. No. 20, Section 14, by striking out all of said section and inserting in lieu thereof the following:

"SEC. 14. Appropriations. Any funds expended by the State for any operations of the State Soil Conservation Board shall be appropriated by the Legislature and itemized in the general appropriation bills in the same manner as the appropriations for other state departments are made."

The amendment was adopted.

Senator Roberts offered the following amendment to the bill:

Amend H. B. No. 20 by changing the period to a comma at the end of the first sentence in sub-section "F" of Section 4 and adding the following: "according to the terms and amounts as specified in the general appropriation bills."

The amendment was adopted.

On motion of Senator Sulak, the caption was ordered amended to conform to changes in the body of the bill.

The bill was passed to third reading.

House Bill 20 on Third Reading

Senator Sulak moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 20 be placed on its third reading and final passage:

The motion prevailed by the following vote:

Yeas—27

Aikin	Graves
Beck	Hardin
Brownlee	Head
Burns	Isbell
Collie	Kelley

Lanning	Spears
Lemens	Stone
Martin	of Galveston
Metcalf	Stone
Moffett	of Washington
Pace	Sulak
Redditt	Van Zandt
Robert	Weinert
Shivers	Winfield
Small	

Nays—2

Cotten	Moore
--------	-------

Absent

Hill

Absent—Excused

Nelson

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—22

Aikin	Metcalf
Beck	Moffett
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Graves	Spears
Head	Stone
Isbell	of Galveston
Kelley	Sulak
Lanning	Van Zandt
Lemens	Winfield
Martin	

Nays—6

Cotten	Shivers
Hardin	Stone
Moore	of Washington
	Weinert

Absent

Hill

Small

Absent—Excused

Nelson

Senate Concurrent Resolution 21 With House Amendments

Senator Moffett called up Senate Concurrent Resolution 21 from the President's table, for consideration of the House amendments to the resolution.

The President Pro Tempore laid the resolution before the Senate, and the House amendments were read.

On motion of Senator Moffett, the Senate concurred in the House amendments.

Senate Concurrent Resolution 25 With House Amendments

Senator Stone of Washington called up Senate Concurrent Resolution 25 from the President's table, for consideration of House amendments to the resolution:

The President laid the resolution before the Senate, and the House amendments were read.

On motion of Senator Stone of Washington, the Senate concurred in the House amendments.

Bills and Resolution Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills and resolution:

H. B. No. 800, "An Act making it unlawful to hunt shoot or kill any wild deer and/or wild turkey for a period of three (3) years from and after the effective date of this Act in the Counties of Grimes and Brazos, State of Texas; fixing a penalty; repealing all laws and parts of laws in conflict herewith in so far as they apply to Grimes and Brazos Counties, and declaring an emergency."

H. B. No. 80. "An Act to provide for and create a city-county health unit in any county containing an incorporated city having a population of not less than ninety thousand (90,000) inhabitants nor more than one hundred twenty thousand (120,000) inhabitants and to provide that the Commissioners' Court of said County and the City Council of said city may cooperate in forming a city-county health unit and combine the health units of each political subdivision for such purpose and appropriate funds to the combined health unit in such proportion as may be agreed to between the Commissioners' Court and the City Council; said health unit to be under the direction and supervision of the City-County Board of Health; and providing for the election and/or appointment of members of said city-county health unit; and providing for the qualifications of the members of the said city-county health unit; and for their terms of office; and providing for the operation of said city-county health unit and for funds for the op-

eration thereof; providing that a Director shall be appointed to actively manage the operation of the health unit under the supervisions of the City-County Board of Health."

H. B. No. 11, "An Act appropriating the sum of One Million Ninety-five Thousand (\$1,095,000) Dollars as a supplement to the equalization appropriation for the biennium as passed by the Forty-fifth Legislature provided no school shall benefit hereunder that has paid its public funds to any person for securing legislative aid; providing the funds herein appropriated are to be expended in accordance with the provisions of this Act; providing the funds herein appropriated are to be prorated on percentage basis to those schools having had payments made on a percentage basis, to make the grants of teacher's salaries, of high school tuition, and of transportation, and of vocational aid, each as nearly as possible one hundred (100%) per cent; providing no school shall receive reimbursement which was not approved by payment at the end of the 1937-38 fiscal year; providing a penalty for violating the provisions of this Act; setting aside the sum of Nine Hundred and Fifty-five Thousand (\$955,000.00) Dollars for salary aid. One Hundred and Five Thousand (\$105,000.00) Dollars for transportation, Thirty-five Thousand (\$35,000.00) Dollars for high school tuition, and declaring an emergency."

H. B. No. 806, "An Act providing for and fixing compensation for County Auditor in certain counties, and declaring an emergency."

H. B. No. 473, "An Act creating the office of County Purchasing Agent in all counties in this State having a population of more than 140,000 inhabitants and less than 290,000 inhabitants, and wherein is situated an incorporated city of more than 140,000 inhabitants, according to the last preceding Federal Census; providing generally the rights, powers and duties of such Agent in reference to the handling and purchase of supplies, materials and equipment and in reference to contracting for repairs to property, and for expenditures generally; providing the means, manner and method of appointment, tenure and compensation of said Agent; prescribing offenses, fines and penalties; prescribing the duties of certain other officers in connection therewith; and provid-

ing that if any portion of this Act is held unconstitutional the remaining part of said Act will remain unaffected, and declaring an emergency."

H. B. No. 193, "An Act authorizing the Commissioners' Court in each County in this State having a population of not less than twelve thousand seven hundred (12,700) nor more than twelve thousand nine hundred (12,900), according to the last preceding Federal Census, to allow each County Commissioner certain expenses for traveling and in connection with the use of his automobile on official business only and/or in overseeing the construction works on public roads of the County; requiring each such Commissioner to pay the expense of operation and repair of such vehicle so used by him without any further expense whatsoever to the County, and declaring an emergency."

H. B. No. 572, "An Act authorizing the transfer of causes from the County Criminal Court of Dallas County, Texas, to the County Courts at Law of Dallas County, Texas, and declaring an emergency."

H. B. No. 805, "An Act repealing H. B. No. 138, Chapter 63, page 1990, Special Laws of the Second Called Session of the Forty-fifth Legislature, 1937 (a local game law for Montgomery County) and declaring an emergency."

H. B. No. 825, "An Act validating any orders and proceedings directed toward the issuance of bonds for Justice Precinct No. 5 of Falls County, and declaring an emergency."

H. B. No. 408, "An Act providing and fixing compensation for County Commissioners in certain counties, and declaring an emergency."

H. B. No. 769, "An Act to amend Article 326 of the Penal Code of the State of Texas, relating to aiding any person to escape from jail; and declaring an emergency."

H. C. R. No. 47, Urging Congress to pass the appropriation bill now before Congress for the eradication of the pink boll worm.

S. C. R. No. 23, Providing for the purchase of a portrait of Governor James V. Allred by the Board of Control.

S. C. R. No. 6, Authorizing Mrs. R. R. Jones to sue the State.

Senate Resolution 51

Senator Small, by unanimous consent, offered at this time the following resolution:

Whereas, The Senate Calendar lists numerous local bills that are of vital concern to some individual member of the Senate and which impede the progress of the Senate in the consideration of bills of general nature; and

Whereas, It is deemed advisable to consider said bills at sessions called for the passage of local bills only; and

Whereas, To avoid confusion as to whether a bill is local in its nature, it is considered desirable to constitute a committee to make up a calendar of local bills, Therefore, be it

Resolved by the Senate of the State of Texas, That the President of the Senate appoint three Senators to constitute a committee to be known as the Local Bill Committee, and that said committee be instructed to examine the various bills appearing on the Regular Senate Calendar to place all bills of a strictly local nature upon a separate calendar to be known as a Local Bill Calendar, to the end that such local bills may be disposed of at night sessions of the Senate. Be it further

Resolved, That said committee immediately begin the discharge of their duties to the end that the Senate have a Local Bill Calendar for consideration at a night session to be held during the current week, and that such calendar be made up and placed on the desk of each member twenty-four (24) hours before the session for local bills convenes, and that no other bills be considered at such session.

The resolution was read; and on motion of Senator Small, and by unanimous consent, it was considered at this time, and was adopted.

House Concurrent Resolution 68

The President Pro Tempore laid before the Senate, the following resolution, received from the House today:

H. C. R. No. 68, Authorizing correction in H. B. No. 350.

The resolution was read; and on motion of Senator Roberts, and by unanimous consent, it was considered at this time, and was adopted.

Recess

On motion of Senator Redditt, the Senate, at 12:08 o'clock p. m., took recess to 2:00 o'clock p. m. today.

Afternoon Session

The Senate met at 2:00 o'clock p. m., and was called to order by the President.

Report of Standing Committee

Senator Spears, by unanimous consent, submitted at this time the following report of the Committee on Criminal Jurisprudence:

Austin, Texas,
March 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 687, A bill to be entitled "An Act giving civil jurisdiction to the Criminal District Court of Jefferson County of suits and causes in matters of divorce, dependent and delinquent children, adoption and habeas corpus in civil proceedings; providing for the transfer and trial of such causes and the duties of the officers of the Court; providing for the civil procedure therein in accordance with the General Civil Statutes and Article 2092, Revised Civil Statutes of Texas of 1925; and providing for appeals in civil matters to the Court of Civil Appeals for the Ninth Supreme Judicial District of Texas; and declaring an emergency,"

Have had the same under consideration, and we recommend that it do pass as amended and be not printed.

SPEARS, Chairman.

Appointment of Special Committee

The President announced the appointment of the following committee, pursuant to the provisions of Senate Resolution No. 51, relative to consideration of local bills:

Senators Small, Shivers and Martin.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, March 27, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following resolution:

H. C. R. 68, Authorizing the cor-
rection of H. B. No. 350.

The House has concurred in Sen-
ate Amendments to H. B. No. 407 by
a viva voce vote.

The House has passed the following
resolutions:

S. C. R. 21, Authorizing the Board
of Control to enter into a contract
for a period of time not longer than
to September 1, 1941, with the San
Jacinto Museum of History, giving
the care, custody and control of the
San Jacinto Memorial Tower to the
San Jacinto Museum of History to be
maintained in good order by it with-
out charge to the State of Texas, and
requiring it to make no charge to the
public for entering said building, etc.
(With amendment.)

S. C. R. 26, Endorsing John Nance
Garner for the presidency in 1940
general election.

The House has concurred in Sen-
ate Amendments to H. C. R. No. 30
by a viva voce vote.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

House Bill 687 on Second Reading

On motion of Senator Shivers and
by unanimous consent, Senate rules
31a and 48 were suspended, and the
regular order of business was sus-
pended, to permit consideration of
H. B. No. 687 at this time.

The President laid before the Sen-
ate on its second reading and passage
to third reading:

H. B. No. 687, A bill to be entitled
"An Act giving civil jurisdiction to
the Criminal District Court of Jef-
ferson County of suits and causes in
matters of divorce, dependent and de-
linquent children, adoption and ha-
beas corpus in civil proceedings; pro-
viding for the transfer and trial of
such causes and the duties of the
officers of the Court; providing for
the civil procedure therein in accord-
ance with the general civil statutes

and Article 2092, Revised Civil Stat-
utes of Texas, of 1925, and provid-
ing for appeals in civil matters to
the Court of Civil Appeals for the
Ninth Supreme Judicial District of
Texas, and declaring an emergency."

The bill was read second time.

Senator Shivers offered the follow-
ing (committee) amendment to the
bill:

Amend House Bill No. 687, Section
3, by striking out all of said section
and substitute in lieu thereof the fol-
lowing:

"SEC. 3. The Judges of the Dis-
trict Courts of Jefferson County and
the Judge of the Criminal Court of
Jefferson County shall elect one of
their number as the presiding Judge
of all the District Courts of Jeffer-
son County including the Criminal
District Court of Jefferson County;
and the presiding Judge of the Dis-
trict Courts of Jefferson County may
assign any cases in his Court, or in
any of the District Courts in Jeffer-
son County involving or pertaining
to the matters set out in Section 1
hereof to any Judge or Court, includ-
ing the Criminal District Court of
Jefferson County, or may assign any
Judge to try any of said causes in
any of said Courts, and the Judge in
whose Court an assigned case is pend-
ing shall transfer the case to the
Court to which it is assigned, and the
Judge of the Court to which it is
assigned shall receive and try the
case. When such transfer or trans-
fers are made the Clerk of such Court
shall enter such cause or causes upon
the docket to which said transfer or
transfers are made, and when so en-
tered upon the docket, the Judge
shall try and dispose of said cause
or causes in the same manner as if
such cause or causes were originally
instituted in said Court."

(President Pro Tempore in the
Chair.)

The (committee) amendment was
adopted.

The bill was passed to third read-
ing.

House Bill 687 on Third Reading

Senator Shivers moved that the
constitutional rule requiring bills to
be read on three several days be sus-
pended and that H. B. No. 687 be

placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield

Absent—Excused

Nelson

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield

Absent—Excused

Nelson

Senate Bill 264 on Second Reading

On motion of Senator Martin and by unanimous consent, Senate rule 31a was suspended, and the regular order of business was suspended, to permit consideration of S. B. No. 264 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 264, A bill to be entitled "An Act granting permission to Mount Olivet Cemetery Company, a private corporation chartered under the laws of this State, and to bring and prosecute suit against the State of Texas and the State Highway Commission of Texas in any court of competent jurisdiction in Tarrant County, Texas, to ascertain the amount, if any, due the Mount Olivet Cemetery Company for damages alleged to have been sustained by reason of the construction and maintenance of the State Highway and the overpass on said State Highway which runs in a general easterly and westerly direction on the north side of the cemetery belonging to and operated by the Mount Olivet Cemetery Company in Tarrant County, Texas, said Highway being known as State Highway No. 15, and for the breach or violation of any contract or agreement between said corporation or its agents and the State of Texas or State Highway Commission, or their agents, acting alone or in conjunction with the agents of Tarrant County, Texas; that said suit shall be tried according to the rules of law and equity and procedure as would be applicable if the suit were one by and between citizens of the State of Texas or by and between private corporations; providing for a right of appeal by either party and for the joinder of other proper or necessary parties; providing for the service of citation on the State and the Highway Commission, and how the judgment, if any, recovered, shall be paid, and providing the time in which such suit may be brought, and providing that the State of Texas and the State Highway Commission may plead any defense available to it, except the Statute of Limitation, and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 264 on Third Reading

Senator Martin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 264 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield

Absent—Excused

Nelson

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Metcalfe	
Moffett	

Absent—Excused

Nelson

(President in the Chair.)

Report of Standing Committee

Senator Stone of Galveston, by unanimous consent, submitted at this time the following report of the Committee on Judicial Districts:

Austin, Texas,
March 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 410, A bill to be entitled "An Act amending Subdivision 23 of Article 199, Title 8, Revised Civil Statutes of Texas, and providing for changing and prescribing terms and times of holding Court in the Twenty-third Judicial District of Texas, validating and continuing all process, writs, bonds, recognizances and making them returnable to the terms of Court in the several counties in said District as herein fixed, to validate the summoning of grand and petit jurors under the present law so as to render them available under the present Act, enacting proper provisions relative to any term of Court that may be in session when this Act takes effect,"

Have had the same under consideration, and we wish to report it back to the Senate with the recommendation that it do pass and be not printed.

WINFIELD, Chairman.

Senate Bill 201 Tabled

On motion of Senator Graves and by unanimous consent, S. B. No. 201 was tabled.

Senate Bill 263 on Second Reading

On motion of Senator Small and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 263 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 263, A bill to be entitled "An Act to create a more efficient road law for Randall County, Texas, validating an order heretofore passed by the Commissioners' Court of Randall County authorizing the issuance of certain road and bridge funding bonds, the indebtedness refunded thereby, declaring said bonds when issued, approved by the Attorney General and registered by the Comptroller as the binding obligation of said County, excepting from the validating provision of this Act any indebtedness in litigation, and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 263 on Third Reading

Senator Small moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 263 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield

Absent—Excused

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield

Absent—Excused

Nelson

House Bill 701 on Second Reading

On motion of Senator Moore, and by unanimous consent, the regular or-

der of business was suspended, to permit consideration of H. B. No. 701 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 701, A bill to be entitled "An Act to amend Article 1334, Revised Statutes, 1925, so as to authorize facsimile signatures and seals on stock certificates signed by the transfer agent and registrar, and prescribing the conditions for the use of such facsimiles, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 701 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 701 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield

Absent—Excused

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Collie
Beck	Cotten
Brownlee	Graves
Burns	Hardin

Head	Roberts
Hill	Shivers
Isbell	Small
Kelley	Spears
Lanning	Stone
Lemens	of Galveston
Martin	Stone
Metcalf	of Washington
Moffett	Sulak
Moore	Van Zandt
Pace	Weinert
Redditt	Winfield

Absent—Excused

Nelson

**Committee Substitute for Senate
Joint Resolution 12 on Passage
to Engrossment**

The Senate resumed consideration of pending business, same being C. S. for S. J. R. No. 12, proposing an amendment to the Constitution, relative to the levy and collection of a social security tax, on its passage to engrossment; with motion by Senator Hill to table the resolution subject to call, pending.

Yeas and nays were demanded, and the motion to table subject to call was lost by the following vote:

Yeas—6

Burns	Lanning
Head	Metcalf
Hill	Stone
	of Galveston

Nays—21

Aikin	Pace
Beck	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Isbell	Stone
Kelley	of Washington
Lemens	Van Zandt
Martin	Weinert
Moore	Winfield

Absent

Brownlee	Sulak
Moffett	

Absent—Excused

Nelson

Senator Aikin offered the following amendment to the resolution:

Amend S. J. R. No. 12, page 2, by striking out all of Section 3 and insert in lieu thereof the following:

Sec. 3. There is hereby levied a tax at the rate of two per cent (2%) on the consideration charged and collected for each and all of the following services, privileges and uses that are performed, granted or sold within this State on and after September 1st, 1939, except as otherwise specified in this section.

(a) The service of storing and parking automobiles.

(b) The service performed and the use granted by the keepers of hotels, rooming houses, apartment houses, apartment hotels and tourist camps, or lodges, in furnishing and renting rooms, apartments and living accommodations.

(c) The service of advertising or giving publicity to any property, real or personal, or to any commodity, person, or service, regardless of the means by which same is accomplished.

(d) The service and privilege furnished by each club maintained for the convenience, entertainment or amusement of its members.

(e) The privilege of attending a theatre, places of amusement or entertainment, or athletic contests.

(f) All services performed by commission merchants, commission agents, brokers and factors as such.

(g) The service of transmitting messages and conversation by telegraph, telephone, or radio, including the rental or lease of equipment and apparatus by persons engaged in the business of selling such service.

(h) Upon transportation charges collected by all common carriers, transportation carriers, and commodity carriers where such charge is in excess of twenty-five cents (25c).

(i) Each person who owns, controls, manages, leases or operates, any sulphur mine, or mines, well or shafts, or who produces sulphur by any method, system, or manner within this State shall pay a severance tax of fifty (50c) cents per long ton, or fraction thereof, of all sulphur so produced within the State.

(j) A severance tax of two cents (2c) per thousand (1,000) cubic feet of gas produced within this State is hereby levied.

(k) There is hereby levied a severance tax on all oil produced within this State of two cents (2c) per barrel of forty-two (42) standard gallons, said tax shall be computed upon the total barrels of oil produced or salvaged from the earth or waters of this State without any deductions;

provided, however, that the severance tax herein levied on oil shall be two per cent (2%) of the market value of said oil whenever the market value thereof is in excess of One (\$1 Dollar per barrel of forty-two (42) standard gallons.

(1) Severance taxes herein imposed shall be paid to the Comptroller of this State; said taxes shall be the liability of the producer and such taxes shall be borne ratably by all interested parties including royalty owners. The Legislature shall enact laws prescribing the method of reporting and collecting all severance taxes and may require the purchaser of oil, gas and sulphur to deduct the tax on all oil, gas and sulphur purchased and pay same to the Comptroller of this State. Until the Legislature shall otherwise provide, the provisions of the existing law providing for an occupation tax on oil, gas and sulphur with reference to paying such occupation tax, the records to be kept and reports to be made in regard thereto, and all other administrative provisions of said law, insofar as they may be given application consistent herewith, shall apply and be followed in the enforcement and collection of the severance taxes herein levied. All of the above levies shall be in addition to those in the present law.

Senator Van Zandt offered the following substitute for the amendment:

Amend S. J. R. No. 12 by striking out all below the resolving clause and substituting in lieu thereof the following, to-wit:

Section 1. That Section 51b of Article III of the Constitution of the State of Texas be amended so as to hereafter read as follows:

"Section 51b. The Legislature shall have the power by General Law to provide for the payment of old age assistance to citizens of the United States who are actual bona fide citizens of Texas, subject, however, to the following provisions and limitations:

(1) No one shall be eligible to receive old age assistance who is (a) an habitual criminal or habitual drunkard; (b) who is an inmate of a State Institution; (c) who has been an actual resident of the State of Texas for at least five (5) years during the nine (9) years immediately preceding the application for old age assistance and continuously for one (1) year

immediately preceding such application; (d) nor shall any person be eligible for old age assistance unless such person be sixty-five (65) years of age or older.

(2) The amount of the assistance granted by the State to be paid out of State Funds shall never exceed Fifteen (\$15) Dollars per month to any person who is otherwise qualified to receive such assistance.

(3) Old age assistance shall never be paid except to a person who is in need and who is otherwise qualified to receive such assistance.

(4) The term "person who is in need" as used in sub-section 3 above is hereby defined to mean: a person who does not have a net income of Thirty (\$30) Dollars per month. The amount of the old age assistance granted by the State shall in each case be such an amount as when added to the net income of the person, together with any amount which may be granted by the Federal Government, will equal Thirty (\$30) Dollars per month, provided that in no case shall the amount to be paid out of State Funds exceed Fifteen (\$15) Dollars per month. In determining need the ability of children, or other relatives, to assist in supporting applicants for assistance shall never be taken into consideration.

(4a) The term "net income" as used in subsection four (4) above is hereby defined to mean the total amount received in money or its equivalent from personal labor, wages, salaries, interest, dividends, rentals and bequests, less actual business expense incurred in earning such income and taxes actually paid thereon; but "net income" shall not include the rental value of the home of the recipient where said rental value does not exceed Fifteen (\$15) Dollars per month, nor shall it include the value of agricultural, livestock, dairy and poultry products produced and consumed by the recipient on the premises; provided, however, that as to real property the income therefrom shall be the net rents received and which shall remain after deducting all taxes paid on such real property for the same period covered by such rents, all insurance premiums paid thereon but prorated for the same period covered by such rents, and the amount actually paid for repairs made to such real property during the same period covered by such rents; provided further that in determining

income from real property no deductions shall be made on account of depreciation of the value of such real property.

(5) The Legislature shall have the authority to accept from the Government of the United States such financial aid for old age assistance as that Government may offer not inconsistent with the limitations and provisions of this amendment.

Sec. 2. In order to provide the revenues for the purposes set out in this amendment, taxes to be known and designated as Social Security Taxes are hereby levied upon transactions, services, activities and natural resources as follows:

(1) Upon every retail sales transaction of tangible personal property in this State the tax shall be one (1c) cent upon each fifty (50c) cents or fractional part thereof of the sale price.

(2) Upon every sale in this State of electric energy, and gas (natural or artificial) by private utilities, municipalities and governmental agencies, except on sales for industrial purposes, the tax shall be one (1c) cent on each fifty (50c) cents, or fractional part thereof of the sale price.

(3) Upon all sales of service to telephone subscribers and to others through equipment of telephone subscribers for the transmission of messages and conversations, both local and long distance, and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto in this State the tax shall be one (1c) cent for each fifty (50c) cents or fractional part thereof of the sale price.

(4) Upon all charges for admission to places of amusement or athletic contests, the tax shall be one (1c) cent for each fifty (50c) cents or fractional part thereof of the admission price in excess of fifty (50c) cents.

(5) Upon consideration charged for advertising, regardless of the means by which such advertising may be accomplished the tax shall be one (1c) cent for each fifty (50c) cents or fractional part thereof.

(6) The taxes levied under sub-sections (1) (2) (3) (4) and (5) shall be collected from the purchaser by the seller, provided that the seller may at his option refrain from collecting the tax on sales of twenty-five (25c) cents or less, but in such case the

seller shall pay the tax to the Comptroller as herein provided; and, except as herein otherwise exempted, on or before the twenty-fifth (25th) day of each month every such seller shall compute the amount of his total cash gross receipts for the preceding month from all transactions described in sub-sections (1) (2) (3) (4) and (5) and in settlement of the taxes thereon, he shall pay to the Comptroller of this State two (2%) per cent on the amount of such total gross cash receipts. The Legislature shall enact suitable laws to enforce the collection of such taxes.

(7) Each person who owns, controls, manages, leases or operates, any sulphur mine, or mines, well or shafts, or who produces sulphur by any method, system, or manner within this State shall pay a severance tax of twenty-five (25c) cents per long ton, or fraction thereof, of all sulphur so produced within the State.

(8) A severance tax equivalent to three-fourths ($\frac{3}{4}$) of one per cent of the market value of the total amount of gas produced and saved within this State is hereby levied.

(9) There is hereby levied a severance tax on all oil produced within this State of three-fourths ($\frac{3}{4}$) cent per barrel of forty-two (42) standard gallons, said tax shall be computed upon the total barrels of oil produced or salvaged from the earth or waters of this State without any deductions; provided, however, that the severance tax herein levied on oil shall be three-fourths ($\frac{3}{4}$) of one (1%) per cent of the market value of said oil whenever the market value thereof is in excess of One (\$1.00) Dollar per barrel of forty-two (42) standard gallons.

(10) Severance taxes herein imposed shall be paid to the Comptroller of this State; said taxes shall be the liability of the producer and such taxes shall be borne ratably by all interested parties including royalty owners. The Legislature shall enact laws prescribing the method of reporting and collecting all severance taxes and may require the purchaser of oil, gas and sulphur to deduct the tax on all oil, gas and sulphur purchased and pay same to the Comptroller of this State. Until the Legislature shall otherwise provide, the provisions of the existing law providing for an occupation tax on oil, gas and sulphur with reference to paying such occupation tax, the records

to be kept and reports to be made in regard thereto, and all other administrative provisions of said law, insofar as they may be given application consistent herewith, shall apply and be followed in the enforcement and collection of the severance taxes herein levied.

Sec. 3. There is hereby exempted from the provisions of this amendment and from the computation of the taxes levied, assessed and payable under this amendment the first sale by the producer of all horticultural, agricultural, livestock, poultry and dairy products; all sales involving the acquisition of tangible personal property for resale as a component part or ingredient of other tangible personal property, or for use in processing or treating other tangible personal property for sale to the ultimate consumer; all admissions to places of amusement and athletic contests where the admission price is fifty (50c) cents or less; all sales of newspapers and magazines; all sales of gasoline and cigarettes; all sales of beverages having an alcoholic content of more than one-half ($\frac{1}{2}$) of one (1%) per cent by volume; all sales in interstate commerce to the extent, and to the extent only, that the State of Texas is prohibited by the Constitution of the United States of America from taxing such sales, and all sales to the State of Texas and its agencies.

(1) The term "person" as used herein shall mean and include any person, firm, concern, receiver, trustee, executor, administrator, agent, institution, association, partnership, company, corporation and persons acting under declaration of trust, as well as the trustees acting under such declarations of trust, or any other group or combination acting as a unit, and the plural as well as the singular number unless the intention to give it a more limited meaning is clearly disclosed by the context.

(2) "Sale" means any transfer of title or possession or both, conditional or otherwise, in any manner or by any means whatsoever of tangible personal property, for a consideration; and, a transaction whereby the possession of property is transferred but the seller retains title as security for the payment of the price shall be deemed a sale. A "retail sale" or a "sale at retail", means a sale to a consumer or to any person for any purpose other than for resale in the form of

tangible personal property, and shall include all such transactions as the State Comptroller, upon investigation, finds to be in lieu of such sales; provided, however, "sale at retail" shall not include an isolated or occasional sale of tangible personal property by a person not engaged in such business.

(3) The term "tangible personal property" means personal property which may be seen, weighed, measured, felt, touched or is in any other manner perceptible to the senses.

(4) The term "sale for industrial purposes" as used in connection with the sale of gas and electric energy, means and includes all sales made for industrial uses or purposes and all sales made for the purpose of resale.

Sec. 4. On the 15th day of each month the Comptroller shall pay into the State Treasury all taxes collected by him during the preceding month and the State Treasurer shall place said revenues in a fund to be designated as the "Social Security Fund." Out of the revenue accruing to said fund under the provisions of this amendment, the Legislature may appropriate for the fiscal year beginning September 1, 1939, and for each fiscal year thereafter not to exceed One and one-half Million (\$1,500,000) dollars annually to finance assistance for destitute and needy children as provided for in Section 51d of Article 3 of the Constitution of this State; not to exceed Five Hundred Thousand (\$500,000.00) Dollars per annum for the purposes of providing assistance to the needy blind as provided for in Section 51c, Article 3 of the Constitution of Texas; and so long as necessary, not to exceed One Million, Four Hundred Thousand (\$1,400,00) Dollars annually to provide pensions for Confederate soldiers and sailors as provided in Section 51 of Article 3 of the Constitution of Texas. During the biennium beginning September 1, 1939, the Legislature shall appropriate from revenue derived from the sources herein created sufficient money to meet the obligation of the State of Texas to the Teachers Retirement Fund as provided in Section 48a, Article 3 of the Constitution of this State, and such additional sum as may be needed to place said fund in balance as of September 1, 1941; and thereafter, biennially the Legislature may appropriate not to exceed Two and one-half Million (\$2,500,000)

Dollars per annum to supply the State's contribution to said Teachers Retirement Fund. The Legislature is hereby prohibited from resorting to other sources of revenue and from making any other appropriation for the support of assistance to the aged, assistance to destitute children, Confederate pensions, the Teachers' Retirement Fund, or for the State's portion of the administration thereof or the costs of collecting said taxes. After the appropriations herein authorized have been made and satisfied out of the revenues realized from the taxes herein levied, the balance thereof shall be kept in said Social Security Fund for the purpose of paying old age assistance, provided, however, that at the end of each fiscal year the State Treasurer shall transfer to the State Available School Fund any surplus in the Social Security Fund in excess of (\$2,500,000) Two Million, Five Hundred Thousand Dollars.

Sec. 5. So much of Article 3, Section 51, of the Constitution as levies a State ad valorem tax for the purpose of creating a special fund for the payment of pensions to Confederate soldiers and sailors is hereby repealed. The ad valorem tax authorized by Article 3, Section 9, of the Constitution for support of Public Free Schools, shall be reduced for each year after the year 1940, at the rate of 3.5 cents on the one hundred (\$100.00) Dollar valuation placed on taxable property for each million dollars that may have accrued to the State Available School Fund by reason of the provisions of Section 4.

(1) The provisions hereof providing for old age assistance shall not be construed as a vested right in the recipients of such old age assistance. The taxes levied in this amendment shall become effective September 1, 1939, and shall be in addition to all other taxes now or hereafter levied by law.

Sec. 6. No city or other political subdivision of the State, by virtue of its taxing power, or otherwise, shall impose an occupation tax or charge of any sort, whether measured by gross receipts or otherwise, for the privilege of doing business, upon any person engaged in a business in which the sales or service transactions are taxed under this amendment, provided that this amendment shall not limit the right of any city to collect any special taxes which are now or may hereafter be provided

for in a franchise or which are payable under any agreement now in existence or hereafter made between a city and the holder of a franchise.

Sec. 7. Said proposed Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at a special election to be held throughout the State on the third Saturday in July, 1939, at which election all voters favoring such proposed Amendment shall write or have printed on their ballots the words:

"For the Amendment to the State Constitution providing a system of old age assistance, levying Social Security taxes for the payment of such old age assistance and providing a source of revenue for the payment of Destitute Children's Assistance, Teachers' Retirement Benefits, Confederate Pensions, and assistance to the Blind."

And all those opposed shall write or have printed on their ballots the words:

"Against the Amendment to the State Constitution providing a system of old age assistance, levying Social Security taxes for the payment of such old age assistance and providing a source of revenue for the payment of Destitute Children's Assistance and Teachers' Retirement Benefits, Confederate Pensions, and Assistance to the Blind."

Sec. 8. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for said election and have same published as required by the Constitution and laws of this State.

The sum of Twenty Thousand (\$20,000.00) Dollars or so much thereof as may be necessary is hereby appropriated out of any funds in the Treasury of this State not otherwise appropriated to pay the expenses of such publication and election.

VAN ZANDT,
COTTEN,
SPEARS.

Senator Aikin raised the point of order that the substitute offered by Senator Van Zandt is not a proper substitute for the amendment, since it includes subject matter not included in the amendment.

The President overruled the point of order.

Question—Shall the substitute for the amendment be adopted?

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, March 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 336, A bill to be entitled "An Act making an emergency appropriation to supplement an appropriation made by the Regular Session of the Forty-fifth Legislature for the fiscal year ending August 31, 1939, found on page 1368, Acts of the Regular Session of the Forty-fifth Legislature; said appropriation is to pay the salaries and other expenses of the inspection work incident to the eradication of the Pink Bollworm, under the provisions of Chapter 3, Title 4, Revised Civil Statutes of Texas, 1939, known as the Pink Bollworm Law, and amendments thereto, and declaring an emergency."

H. B. No. 95, A bill to be entitled "An Act to amend Articles 5024, 5025, 5026, 5029, and 5032 of Chapter 20, Title 78 of the Revised Civil Statutes of Texas, 1925, relating to indemnity contracts by reciprocal or inter-insurance exchanges and to fix the extent of liability of subscribers at such exchanges and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

House Bills on First Reading

The following bills, received from the House today, were laid before the Senate, read severally first time, and referred to the committees indicated:

H. B. No. 336, to the Committee on Finance.

H. B. No. 95, to the Committee on Insurance.

Report of Standing Committee

Senator Weinert, by unanimous consent, submitted at this time the following report of the Committee on State Affairs:

Austin, Texas,
March 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 863, A bill to be entitled "An Act making provisions in certain independent school districts in this State, for an election to determine tax rate to be levied for payment of bonds and interest thereon; to determine tax rate for maintenance in such districts; providing for levy of such taxes; providing for aggregate amount of such levy; providing that when the bond tax exceeds the levy of Fifty (50) Cents on the one hundred dollars valuation, that the maintenance tax shall be reduced in an amount equal to the sum added to the bond tax; providing the Act shall be in effect for a period of not to exceed five (5) years; making this Act cumulative of all laws on the Statute books in force as of this date; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WEINERT, Chairman.

Senator Hardin, by unanimous consent, submitted at this time the following reports of the Committee on Counties and County Boundaries:

Austin, Texas,
March 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 674, A bill to be entitled "An Act amending Article 1667 of the Revised Civil Statutes of 1925, as amended by Acts of the Forty-second Legislature 1931, Second Called Session, page 62, Chapter 38, as amended by Acts of the Forty-third Legislature 1933, page 364, Chapter 140, placing certain counties under the provisions of said article and providing control over finances in such counties by auditors; providing compensation for such auditors, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report

it back to the Senate with the recommendation that C. S. H. B. No. 674 be passed in lieu of the original bill and be not printed.

HARDIN, Chairman.

Austin, Texas,
March 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 48, A bill to be entitled "An Act validating an election held under the provisions of Chapter 339, Acts Regular Session, Forty-fourth Legislature, transferring certain lands from the Evans Common School District No. 7, in Mills County, Texas, to the Mullin Independent School District, Mills County, Texas, and to the Jones Valley Common School District No. 12, in Mills County, Texas, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute do pass in lieu of the original bill and be not printed.

HARDIN, Chairman.

Bills and Resolutions Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

S. C. R. No. 26, Endorsing Honorable John Garner as the Democratic nominee for President of the United States.

H. B. No. 468, "An Act authorizing and empowering the Commissioners' Courts in Counties having a population of less than twenty thousand (20,000), according to the last preceding Federal Census, and a property valuation of more than One Hundred Million (\$100,000,000) Dollars, according to the last approved County Tax Rolls, to enter into contract and agreement with the governing bodies of municipalities within said Counties for the purpose of furnishing fire protection in such Counties outside of the corporate limits of said municipalities and to make appropriations for paying municipalities for such services."

H. B. No. 532, "An Act repealing Chapter 223 of the Acts, 1937, Forty-fifth Legislature, Regular Session, and declaring an emergency."

H. B. No. 558, "An Act making an appropriation out of the General Fund of the State of Texas for the Secretary of State for the biennium beginning September 1, 1939, and ending August 31, 1941, for the purpose of compiling, editing, indexing, binding, and distributing the current laws and journals; making same immediately available, and declaring an emergency,"

H. B. No. 817, "An Act amending Article 6869, Revised Civil Statutes, 1925, as amended, Acts 1929, Forty-first Legislature, First Called Session, page 283, Chapter 113, Section 1, by adding a new section thereto, to be known as Article 6869b, providing for the number of deputy sheriffs in counties having a population of less than twenty thousand (20,000), according to the last preceding Federal Census, and having a property valuation in excess of One Hundred Million (\$100,000,000) Dollars, according to the approved State and county tax rolls for the preceding year, and declaring an emergency."

H. B. No. 300, "An Act fixing the open season for taking squirrels in Shelby County; providing a suitable penalty for violation of this Act; repealing all conflicting laws, and declaring an emergency."

H. B. No. 783, "An Act amending Section 1 of H. B. No. 186, same being Chapter 10, of the Special Laws of the Forty-third Legislature, Regular Session, by declaring the closed season on deer in San Augustine and Sabine Counties for a period of five years from the effective date of this Act and after its passage, and declaring an emergency."

H. B. No. 611, "An Act creating a Special Road Law for Carson County, Texas, providing that said county may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of January 31, 1939, by the issuance of funding bonds; providing that items of indebtedness as of said date, in the form of scrip, time warrants, or funding warrants, may be included in such funding bond issue; setting forth the method of issuing such funding bonds; validating all acts of the Commissioners' Court

and of the county officials of said county in issuing said scrip or warrants; validating said scrip or warrants; providing that the General Laws pertaining to roads and bridges shall be applicable to said county when not in conflict with the provisions hereof; repealing all laws and parts of laws in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act, and declaring an emergency."

H. B. No. 266, "An Act to amend subdivision 2 of Article 199 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 128, Acts of the Fortieth Legislature, Regular Session, as amended by Chapter 341, Acts of the Forty-second Legislature, Regular Session; (to change and prescribe the time for holding court in the Second Judicial District of Texas) and the length and duration of the terms of court therein; to conform all writs and processes of said court to such changes and make all writs and processes issued prior to the effective date of this Act and served prior or subsequent to said effective date, returnable to the terms of court in the several counties in said district as herein provided; to provide for the continuing validity of all bonds and recognizances executed and entered into prior to the effective date of this Act; to validate the summoning of grand and petit juries under existing law and render them available under the provisions of this Act; to repeal all laws and parts of laws in conflict herewith; and to provide for the effective date of this Act."

H. B. No. 648, "An Act regarding the trapping, taking and killing of wild fox in Bell County, for a period of two years, providing conditions and exceptions, providing a penalty for the violation of this Act, repealing laws in conflict herewith, and declaring an emergency."

H. B. No. 362, "An Act amending H. B. No. 309, being Chapter 53, page 101 of the Acts of the Thirty-eighth Legislature, Regular Session (1927) as amended by Senate Bill No. 520, being Chapter 210, page 499 of the Acts of the Forty-fourth Legislature, Regular Session (1935), and subdivisions 37, 45, 57, and 73 of Article 199, Title 8, Revised Civil Statutes of 1925 as amended, fixing the terms and prescribing the jurisdiction of the Dis-

trict Courts of the 37th, 45th, 57th and 73rd Judicial Districts, providing for the administration of the business of said Courts, providing for the election of special judges in case of absence, sickness or inability of the regular judges to act and preside in the Civil District Courts of Bexar County, Texas, fixing the effective date of the Act and the date of the expiration of the terms of court then in session, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 844, "An Act to repeal H. B. No. 579, Acts of the Regular Session of the Forty-fourth Legislature, making it unlawful for any person to take or catch any fish in the waters of any stream, lake, pool, or reservoir of certain counties in this State during the months of April and May of each year; fixing a penalty, and declaring an emergency."

H. B. No. 830, "An Act to validate, ratify, approve, confirm, and declare enforceable all levies and assessments of ad valorem taxes heretofore made by County Line Independent School Districts partly situated in three (3) counties, the supervision of said school being located in counties having a population not less than seventeen thousand (17,000) nor more than seventeen thousand, five hundred (17,500) as shown by the last preceding Federal Census, not in excess of a limit now provided by law. Such levies validated are the same as are now on record in the Auditor's Division of the State Department of Education. Such levies and assessments are void or unenforceable because the same were made and adopted by resolution, motion, or other informal action, and because of the failure of the governing body of such districts to appoint the proper and statutory Board of Equalization; etc., and declaring an emergency."

H. B. No. 60, "An Act to amend Article 2687, Revised Civil Statutes of Texas, 1925, prescribing the time of meeting of the County Board of School Trustees in counties containing a population of not less than thirty thousand, two hundred eighty-five (30,285) and not more than thirty thousand, two hundred ninety-one (30,291) according to the last Federal Census; providing the amount of compensation; providing for payment of such compensation out of the State and County Available

School Fund; providing that this Act shall be cumulative of all existing laws on this subject but further providing that this Act shall apply where in conflict therewith, and declaring an emergency."

H. B. No. 654, "An Act making it unlawful to trap, snare, shoot, catch, or kill any wild fox in Nacogdoches County for a period of two (2) years; providing certain exceptions; fixing the effective date of the Act; and providing a penalty for violation; and declaring an emergency."

H. B. No. 804, "An Act making it unlawful for any person to hunt, trap, kill or attempt to kill by any means whatsoever, any wild turkey, Chachalaca or wild Mexican pheasant in the Counties of Comal and Guadalupe for a period of four (4) years; providing a penalty; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 595, "An Act fixing the compensation of sheriffs in all counties of the State of Texas having a population of not less than twenty-seven thousand, two hundred and thirty-five (27,235) and not more than twenty-seven thousand, three hundred (27,300), according to the last Federal Census, in which there are no district attorneys; providing for the appointment by such sheriffs of such counties of at least one (1) special deputy sheriff and one (1) deputy sheriff; prescribing the powers and duties of such deputies; fixing the compensation therefor; providing mode and manner of payment of such salaries; providing that this Act shall be cumulative of all other Acts not in conflict herewith; repealing all laws and parts of laws in conflict to the extent of the conflict only, and declaring an emergency."

H. B. No. 239, "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; making this Act cumulative of all General Laws on the same subject, such General Laws to apply except in case of conflict when the provisions of this Act shall control, and declaring an emergency."

H. B. No. 559, "An Act authorizing the Commissioners' Court in any county having a population of not less than seventy-four thousand (74,000) and not more than seventy-six thousand (76,000), according to the last preceding United States Census and not less than Forty-one Million (\$41,000,000) Dollars and not more than Forty-five Million (\$45,000,000) Dollars taxable valuation, according to the last available tax roll to allow each County Commissioner in such counties certain expenses for traveling and in connection with the use of his automobile on official business requiring each such Commissioner to pay the expenses of operation and repair of each automobile used by him without further expense to the county, and declaring an emergency."

H. B. No. 744, "An Act for the purpose of better preserving the game and fish resources of Calhoun and Jackson Counties by closing certain waters in Calhoun and Jackson Counties to certain types of net fishing and prohibiting the use of the oyster dredge in certain areas and making legal the operation of the pocket net or drag seine in certain waters; providing a penalty; repealing H. B. No. 232 of the Regular Session of the Forty-fifth Legislature, H. B. No. 67, Acts of the First Called Session of the Forty-fifth Legislature, and Article 937a, Penal Code of the State of Texas, and declaring an emergency."

H. B. No. 234, "An Act authorizing the County Boards of certain counties to set aside an amount not to exceed Six Hundred (\$600.00) Dollars to defray the expenses of the County Superintendent and the County School Board of Trustees in the administration of scholastic affairs; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 542, "An Act amending H. B. No. 726, Acts of the Forty-fifth Legislature approved May 5, 1937, and creating San Antonio River Canal and Conservancy District under authority of Section 59 of Article 16 of the Constitution of the State of Texas to be a governmental agency, municipality, body politic and corporate; defining certain words and phrases used therein; defining the boundaries of said District and ways of extending

same; declaring creation of this district essential to accomplishment of purposes of Section 59 of Article 16, Constitution of State of Texas; providing the said district shall not levy nor collect taxes nor pledge credit of the State; . . . etc.; providing for enforcement of penalties; providing for duties of State Board of Water Engineers, and Reclamation Engineers; providing for Board of nine directors, etc."

H. B. No. 599, "An Act to diminish the civil and criminal jurisdiction of the County Court of Stephens County, Texas, and to conform the jurisdiction of the District Court of such County to such change; to preserve the jurisdiction and power of the County Court of Stephens County, Texas, over certain final judgments rendered prior to the passage of this Act; to require the County Clerk of such County to transmit all papers in pending civil and criminal cases to the District Court of said County; and to continue in effect the filing date of papers previously filed in the County Court in said pending cases; to fix fees that the District Clerk of such County will be authorized to charge in connection with filing of papers so transmitted to him; to provide for the County Attorney of Stephens County, Texas, to represent the State in misdemeanor cases in the District Court, and to declare an emergency."

H. C. R. No. 66, Providing for correction of H. B. No. 266.

H. C. R. No. 14, Regarding the employment of both man and wife of the same family in State Departments.

S. C. R. No. 21, Relating to custody and control of San Jacinto Memorial Tower.

S. C. R. No. 25, Authorizing Highway Department to lend certain equipment to City of Somerville, Texas.

Recess

On motion of Senator Weinert, the Senate, at 5:05 o'clock p. m., took recess to 10:00 o'clock a. m., tomorrow.

APPENDIX

Reports of Committees on Engrossed and Enrolled Bills

Austin, Texas,
March 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 303 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
March 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 286 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
March 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 338 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
March 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 308 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
March 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 216 carefully examined, compared and

read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
March 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 335 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
March 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 256 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
March 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 22 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston,
Chairman.

Austin, Texas,
March 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 6 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston,
Chairman.

Austin, Texas,
March 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 23 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston,
Chairman.

Austin, Texas,
March 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 414 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
March 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 26 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston,
Chairman.

Austin, Texas,
March 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 21 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston,
Chairman.

Austin, Texas,
March 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 25 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston,
Chairman.